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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,872	01/10/2002	Robert P. Micciche	460.2060USU	6287

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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/043,872

Applicant(s)

MICCICHE ET AL.

Examiner

Lorna M. Douyon

Art Unit

1751

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): 35 USC 112, second paragraph rejection of claim 1.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.Claim(s) objected to: None.Claim(s) rejected: 1-19 and 21-43.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____



Lorna M. Douyon
Primary Examiner
Art Unit: 1751

Continuation of 5. does NOT place the application in condition for allowance because: of the same reasons as in the final rejection. With respect to the rejection based upon Rogers, Applicants argue that Rogers' disclosure on page 10, last paragraph regarding the compositions being substantially free of various polyacrylate-based emulsifiers and polymeric anti-static agents except at low levels of about 0.1%-0.3% of the final composition, is contradictory to the use of polymeric anti-static agent (sulfonated polymers available as VERSAFLEX 157...) in Example III in amounts of at least about 0.5%, typically from about 2% to about 8% by weight of the composition, and one would not use sulfonated polymeric anti-static agent, let alone in amounts disclosed in Example III.

The Examiner respectfully disagrees with the above arguments because the fact remains that Rogers teaches the use of sulfonated polymers, which are sulfonated styrene/maleic anhydride polymers, as exemplified in Example III, in amounts within those recited. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. V. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. Denied, 469 U.S. 851 (1984), see MPEP 2141.02, MPEP 2145X.D.1.

With respect to the rejection based upon WO 00/30956 (WO '956), Applicants argue that the fluoropolymers of the WO '956 application are treatments for the substrate itself and there is no disclosure or suggestion that the fluoropolymers are used or could be used to treat the surface being cleaned, as in the present invention.

The Examiner respectfully disagrees with the above arguments because on page 13, lines 24-25, WO '956 teaches that the chemicals, which include the fluoropolymers, may be added to the substrate as a component of the lotion or independently. Please note also the teachings on page 16, lines 16-25, which discloses that in a preferred embodiment, a copolymer of C10-C30 alkyl acrylates and one or more monomers of acrylic acid, methacrylic acid are used as emulsifying agents in the range of 0.02% to 5.0% by weight of the composition.